

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-874X

SIERRA NORTHERN RAILWAY–ABANDONMENT EXEMPTION–
IN YOLO COUNTY, CA

Decided: November 8, 2005

Sierra Northern Railway (Sierra) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon an approximately 9.27-mile line of railroad extending from milepost 90.5 in the City of West Sacramento to a point south of Pumphouse Road, in Yolo County, CA. Notice of the exemption was served and published in the Federal Register on December 23, 2004 (69 FR 76972).

By decision served on January 24, 2005 (January 2005 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA), and the exemption was made subject to the conditions that Sierra shall: (1) retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line that are 50 years old and older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA); and (2) prior to any salvage activities, consult with the U.S. Fish and Wildlife Service, Sacramento Field Office (FWS) regarding impacts to Federally listed threatened and endangered species that may occur in the vicinity of the line and report the results of the consultation to SEA.¹

By decision served on June 23, 2005 (June 2005 decision), the proceeding was reopened at the request of SEA to replace the FWS condition imposed in the January 2005 decision, with a new condition that Sierra shall comply with the conservation measures recommended by FWS regarding potential impacts to the Federally threatened giant garter snake (*Thamnophis gigas*) as outlined in FWS's March 31, 2005 letter to SEA. The NHPA condition imposed in the January 2005 decision remained in effect.

By letter dated October 4, 2005 (October 2005 letter), the California Office of Historic Preservation (SHPO) informed SEA that one National Register of Historic Places eligible prehistoric archaeological site, CA-YOL-132, is located within the project area underneath a levee and the ballast of the rail line. The SHPO concludes that there would be no adverse effect to the archaeological site as long as Sierra avoids the site during salvage activities (Sierra has agreed to remove no more than 7 to 8 inches of ballast in the area of the archaeological site) and

¹ In the January 2005 decision, the Board also issued a notice of interim trail use (NITU). The NITU negotiating period expired on July 23, 2005.

contacts the SHPO, SEA, and any Federally recognized tribes that may have an interest in the project, pursuant to 36 CFR 800.13, in the event any unanticipated archaeological materials are uncovered during salvage operations. Therefore, SEA recommends that the existing historic preservation condition imposed in the January 2005 decision be replaced with the following condition: In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during Sierra's salvage activities, Sierra will immediately cease all work and notify SEA, interested Federally recognized tribes, and the SHPO pursuant to 36 CFR 800.13. SEA shall then consult with the SHPO, interested Federally recognized tribes, and Sierra to determine whether any mitigation measures are necessary.²

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be replaced with the one currently recommended by SEA.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the January 2005 decision is replaced with the following condition: In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during Sierra's salvage activities, Sierra will immediately cease all work and notify SEA, interested Federally recognized tribes, and the SHPO pursuant to 36 CFR 800.13. SEA shall then consult with the SHPO, interested Federally recognized tribes, and Sierra to determine whether any mitigation measures are necessary.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

² The FWS condition imposed in the June 2005 decision remains in effect.